

JS-6

1 JOHN R. YATES, ESQ. (State Bar No. 120344)
2 jyates@greenbass.com
3 GREENBERG & BASS LLP
4 16000 Ventura Boulevard, Suite 1000
5 Encino, California 91436
6 Tel: (818) 382-6200 • Fax: (818) 986-6534
7 Email: jyates@greenbass.com

8 Attorneys for Plaintiff
9 Fiesta Insurance Franchise Corporation

10 JAMES W. PENGILLY, ESQ.
11 Pengilly Robbins Slater & Bell
12 10080 West Alta Drive, Suite 140
13 Las Vegas, NV 89145
14 Tel: (702) 889-6665 • Fax (702) 889-6664

15 Attorneys for Defendants
16 Auto Insurance of Nevada, Inc. dba Fiesta Insurance
17 And Rob Schnider

18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Fiesta Franchise Insurance Corporation,

Plaintiff,

v.

Fiesta Insurance, a business entity; Rob
Schnider, an individual; and Does 1 through
10, inclusive,

Defendants.

CASE NO.: CV10-03148 ODW (AGR_x)

**ORDER RE PERMANENT
INJUNCTION AND CONSENT
JUDGMENT**

Plaintiff Fiesta Franchise Insurance Corporation (“FIFC” or “Plaintiff”) and
Defendants Auto Insurance of Nevada, Inc. dba Fiesta Insurance and Rob Schnider
(collectively, “Fiesta” or “Defendants”), having stipulated as set forth below to the entry of
this Consent Judgment and Permanent Injunction,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED

///

FINDINGS

1
2 1. This Court has jurisdiction of the subject matter of this action and the parties
3 hereto.

4 2. Plaintiff is the owner of the intellectual property rights, including trademark
5 rights, associated with the names FIESTA INSURANCE and FIESTA AUTO INSURANCE
6 in connection with insurance brokerage services and tax preparation services.

7 3. Plaintiff's trademarks are protectable, and Plaintiff has obtained federal
8 registration of the mark FIESTA INSURANCE (U.S. Reg. No. 3503108) and of the mark
9 FIESTA AUTO INSURANCE (U.S. Reg. No. 3721845) with the United States Patent and
10 Trademark Office.

11 4. Plaintiff FIFC filed a complaint for trademark infringement, false designation of
12 origin and unfair competition (the "Complaint") on or about April 27, 2010 against
13 Defendants.

14 5. Defendants have been duly served with the Complaint, and individual defendant
15 Rob Schnider has been dismissed as a party.

16 6. Defendants have agreed to stipulate to the relief sought as set forth herein, as a
17 full and final resolution of all claims against Auto Insurance of Nevada, Inc. dba Fiesta
18 Insurance and Rob Schnider related to the use of the trademarks FIESTA INSURANCE and
19 FIESTA AUTO INSURANCE, except claims relating to or arising from Defendants' alleged
20 failure to comply with this injunction.

PERMANENT INJUNCTION

21
22 1. Defendant Auto Insurance of Nevada, Inc. dba Fiesta Insurance and each of its
23 agents, servants, employees, successors and assigns, including but not limited to Rob
24 Schnider, and all those acting in concert or participation with Defendant, are hereby
25 permanently enjoined from engaging in or performing directly or indirectly any and all of the
26 following acts, beginning on April 1, 2011 and continuing thereafter:

27 (a) Doing business (including marketing, advertising and promoting their
28 products or services) using the name Fiesta Insurance, or any other mark that is confusingly

1 similar to Plaintiff's FIESTA INSURANCE and FIESTA AUTO INSURANCE marks,
2 including without limitation, use in any domain name or website meta tags;

3 (b) Using any false designation of origin or false description which leads, or
4 is likely to lead, the public or individual members thereof to believe that the Defendant's
5 insurance services are associated with, sponsored or endorsed by, or otherwise refer or relate
6 to Plaintiff's company or insurance brokerage or tax preparation services;

7 (c) Infringing Plaintiff's rights in its registered marks FIESTA
8 INSURANCE and FIESTA AUTO INSURANCE; or

9 (d) Assisting, aiding or abetting any other person or business entity in
10 engaging in or performing any of the activities referred to in subparagraphs (a)-(c) above at
11 any time; and.

12 2. The Court shall retain personal jurisdiction over Auto Insurance of Nevada, Inc.
13 dba Fiesta Insurance and Rob Schnider and shall retain subject matter jurisdiction of this
14 action for purposes of enforcement of this Judgment and the Settlement Agreement of
15 September 2010 which has been entered into by the parties to this action.

16 3. The clerk is directed to enter this Judgment forthwith without the necessity of
17 any further order of this court.

18 DATED: September 27, 2010

19
20 By: 
21 OTIS D. WRIGHT
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28